

**CITY OF KUNA
PLANNING & ZONING COMMISSION**

**MEETING MINUTES
Tuesday, June 26, 2018**

PZ COMMISSION MEMBER	PRESENT	CITY STAFF PRESENT:	PRESENT
Chairman Lee Young	X	Wendy Howell, Planning Director	X
Commissioner Dana Hennis	X	Troy Behunin, Senior Planner	X
Commissioner Cathy Gealy	Absent	Jace Hellman, Planner II	X
Commissioner Stephen Damron	X	Sam Weiger, Planner I	X
Commissioner John Laraway	Absent		

6:00 pm – COMMISSION MEETING & PUBLIC HEARING

Chairman Young called the meeting to order at **6:00 pm**.

Call to Order and Roll Call

1. CONSENT AGENDA

- a. Meeting Minutes for June 26, 2018.
- b. **Findings of Fact and Conclusions of Law** for 18-01-AN; Cortez Annexation
- c. **Findings of Fact and Conclusions of Law** for 18-02-AN & 18-02-CPF; Dynasty Estates Sub. No. 2.
- d. **Findings of Fact and Conclusions of Law** for 18-08-SUP & 18-15-DR; PI Stem Academy

Commissioner Hennis Motions to approve the consent agenda; Commissioner Damron Seconds, all aye and motion carried 2-0.

2. PUBLIC HEARING

- a. **18-01-CPF Combination Preliminary and Final Plat) & 18-12-DR (Design Review)** – Kelleher Sub. No. 2; On behalf of Open Door Rentals, Inc. the applicant, Trilogy Development, Inc. requests approval to subdivide approximately 1.96 acres through the combination preliminary plat & final plat process into nine lots, consisting of eight family lots and one common lot and have reserved the name Kelleher Subdivision No. 2. A Design Review application for eight four-plex buildings, parking, lighting and landscaping accompanies this application. The subject site is located on the south east corner of West Hubbard Road and Linder Road, Kuna, ID 83634, within Section 13, Township 2 North, Range 1 West; (APN# R4865420080)

Jane Suggs: I work at WH Pacific, 2141 Airport Way, and I am here representing Kelleher No. 2 Subdivision. We are very pleased tonight to present applications for preliminary plat, final plat and design review. Let me begin by saying that we agree with the staff report and we agree to meet all conditions of approval that are listed in the staff report. In fact, you'll see that as this report got revised a little bit, we already began taking the steps to meet those conditions last week. I will start by asking the staff to pull up Slide No. 1, which is a plat of the Kelleher Subdivision. It's now called Chapparossa. It's a property of 1.96 acres located in the southeast corner or Linder and Hubbard Road (Hubbard along the north boundary and Linder along the west boundary). You can see Lot 8 Block 1 in this plat of the Kelleher Subdivision, now called Chapparossa Subdivision. You may recall at the end of last year, this property was rezoned from R-4, which is a medium density residential to C-1, which is a neighborhood commercial. Keep in mind that one of the uses that is allowable per your zoning code and the C-1 zone is multi-family housing. We feel that multi-family housing is a good transition from the single-family homes that are located to the east and the park to the south. In this busy intersection of Linder and Hubbard Road, we only can have one access onto Hubbard Road. That starts limiting what kind of commercial uses can be there, because for commercial access is key. Since the corners are pretty busy, we don't think that's very conducive to having single family residential there. It is now zoned

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commercial and we are using the C-1 zone for the multi-family product. The next slide is our application. A previous owner and a previous planner worked on slide No. 2. This is the application that was made last year. The application was made to request a rezone to C-1 for the purpose of developing a multi-family project. Again, this is an old application from a different owner. The application mentions that this application was Kelleher fourplexes (a rezone and development for nine fourplexes buildings and a multi-family use. On slide No. 3, you'll see that there was a conceptual plan that was included in that staff report. It shows nine buildings that right now don't fit very well on the property. Now, we are looking at eight four-plex buildings instead of nine. The next slide is a copy of the site plan that shows the buildings and a landscaping around the buildings. We have eight units and the houses are located just over the fence to the east. We've tried in this design to put our entrance where ACHD is allowed along Hubbard Road as far to the east as we can. We're trying not to put any buildings up against that east property boundary. Each building is a two-story fourplex. We've submitted a preliminary plat with this application that meets the requirements of the C-1 zone. The 35-foot height is the same as our four would be. Our rear yard setbacks are five and ten feet, five feet is minimum in C-1 and we're much larger than the 2000 square-foot minimum lot size. You can also see in this drawing that there is a 30-foot wide buffer that surrounds the property. We do have a deeded access to cross the buffer that allows our driveway to Hubbard Road. Again, ACHD prefers that the access goes on Hubbard instead of using the existing curb cut on Linder. We will close that curb cut and gutter. The common lot is in the middle of the property for the parking and the landscaping. There are 60 parking spaces and four handicapped spaces for a total of 64 spaces. This parking exceeds the city's required parking spaces of 1.5 parking spaces per dwelling unit. For our project, that would require 48 parking spaces and we're providing 60. We are also providing landscaping around each of the buildings in the common open space. You have the center unit, there's some open space behind it. The staff suggested in an earlier staff report that we beef up our landscaping around the east boundary because it's around those homes that exist. You're now looking at an updated landscape plan that we've just completed that will add some evergreen trees along that east boundary. Where we had these five trees, we've gone in and added evergreens in between. We planned to put a 6-foot fence around the entire perimeter of the property. This was suggested by the neighbors when we had our neighborhood meeting. They didn't really want to see the buildings, at least the bases of them. We said we'd put a fence around the property to go around the part that's not in the buffer. There will still be a buffer, though. We asked our architect to do a rendering of what that looks like, because the folks on Linder Road we concerned about what they would see. There's another slide that shows a rendering view. You'll see the buildings, but you won't see the bases of the buildings. We'll go back to the landscape plan. When you look at the footprints of the buildings and the houses next door, the footprints of the fourplexes are a little larger, so this can come across as looking sort of like a large home. There are sidewalks connecting all the units from the parking area and we also show a sidewalk down in the southeast corner. The sidewalk goes down to Chapparossa Park, and it's located just south of Kelleher No. 2. The subject property right now is part of the HOA, but we've recently been advised by our attorney that it makes sense to have a second homeowner's association for Kelleher No. 2. Most of this is because for Kelleher No. 2, the homeowner's association will be responsible for maintaining a parking lot, the landscaping, the sprinkler system. Even though each of the units are on a separate lot, you don't want to have one property owner not using the sprinkler system. The CC&Rs called for the maintenance of the exterior of the buildings to also be managed by the homeowner's association. If these are sold to individual owners, then the management company will be responsible for making sure the exteriors are all maintained in common. We think that's a great way to maintain the look and the viability of the project. This means that each of the owners will have to pay into a homeowner's association. That said, this particular Kelleher No. 2 really want to pay their proportionate share to the Chapparossa homeowner's association. This is so they can participate in the use and maintenance of the park. We have started that conversation, I spoke to the HOA management company. We've sent an email from our attorney to the city's attorney and to the HOA saying that we would like to enter into that. You'll see that as a condition now, a condition of approval that we enter into this separate agreement between the HOAs. This is so there is a proportionate share from this project between the HOAs so that they can use Chapparossa Park. We've got great density right here, you've got a park they could use with a wonderful connection. There will be a break in the sidewalk, and from this park you can go to this property without

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going out on the street. The buildings have been designed by Rob Tebow, the architect's office. In our application, we provided some elevations of the different buildings. They are in the application package. You'll see in each case, depending on where the building is located, where the balconies and patios might be. There will be two units on top and two on the bottom. I have also provided some color pallets. You'll see the use of quality materials of stone façade on each building depending on the color. Some have an accent, some are really bright, some have earth tones. There are four color pallets in total. We are in a design review, so we went over landscaping and the color pallets. I think those design review issues are up to you guys. Just to let you know, we did host a neighborhood meeting on March 5. There were not a lot of people there, like three neighbors. A couple of them were across the street in the subdivision. Also, I asked to attend one of the Chapparossa homeowner's association meetings. There's lots of homeowner's business to take care of, and I presented some of the information to them. I just want to summarize by saying that we are subdividing the property according to the subdivision code. We are planning to build fourplex buildings that meet the zoning code that Kuna has. We agree to the conditions of approval that are in the staff report. We respectfully request that you approve the preliminary plat, the final plat and the design review for Kelleher No. 2. I'll stand for questions. **C/Damron:** Are these going to be the same color pallets that are found on Ten Mile and Deer Flat? **Jane Suggs:** I think that there are some color accents that I don't think these will have. This is going to be more subdued. They're very similar and built by the same partner, but it's not the same color pallet. **C/Young:** The intent then is to sell off these individual lots? **Jane Suggs:** Yes, there will be eight individual lots for sale. Each one will have a fourplex building. We've provided the subdivision, preliminary and final plat. The important thing on this is that although you have individual ownership so people kind of let them go, this particular one will be managed by the homeowner's association. They will be managing the exteriors of the buildings. They will be managing the leasing as well. We did a request for our neighborhood meetings in March about what these would rent for. I know we don't talk about that, but they certainly are not considered low income. The developer told me at that time that the units may go for \$950 or \$1100, but I imagine with the way housing prices are going now they may start out even higher. I think of apartments as a good way for people to get into the housing market. That's still pretty high to me, but it certainly isn't low income housing. **C/Young:** You haven't reached an agreement with the HOA as far as how those fees go and what the numbers are? That's still in the works, correct? **Jane Suggs:** That was in the works and I think that your conditions of approval now says that we need to have a draft of that before the city council meeting. It is a condition of approval that we reach some sort of agreement for some reasonable fees that make sense. Our attorney feels that having the Chapparossa board be responsible for collecting fees to maintain a parking lot just makes sense. We want to have some coordination between the fees that are paid and maintenance. Even if we de-annex this particular parcel from the HOA, then we're responsible for maintaining the buffer. **C/Young:** Have the trash enclosure locations been vetted with J&M? **Jane Suggs:** We plan to build these out of the brick with the steel gates, but the location is straight in so they have really good access. They can open the gates, pick up the trash, and back out at two locations. You'll see in the site plan that the locations are in the northwest corner and the southeast. You'll see the drive isles drive right into that. **C/Young:** I'm wondering if we can work with them a little bit to keep those locations as far from the residents as possible, because you're about 10 feet off that property line and the trucks are not quiet in the mornings. **Jane Suggs:** We can look at that. I'm trying to think of what issues we might have with drive isles and getting it to them. **C/Young:** Even if you can angle it away from them a little bit, that approach could be worth considering. **Jane Suggs:** How about we make sure that we look at that and let the city council know if you approve the condition of approval that we modify that if possible. I think it looks to be a little bit tight right there. We can't really shift the buildings a whole lot, we just need to make sure that we make that work. **C/Hennis:** Your units are approximately how large? **Jane Suggs:** 950 square feet and 1100 square feet. **C/Damron:** What's the distance between the roundabout and the corner for that northwest building? **Jane Suggs:** The roundabout will not take up any of the land, but it may take up some of that buffer. They haven't actually designed what that looks like, they just said it may take a little corner of that right-of-way. Yes, there may be some land in the future from that buffer that's taken. It may require that area to be reconfigured. Most importantly, it may require access, which is now a full left and right in. It will become right-in, right-out only. It's very limiting for commercial, because commercial lives and dies by its access and we think that this the best use for this property. That is

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programmed out pretty far, I don't have the date for that. That CIP budget really changes things. Priorities change and ACHD is going through a review of that right now, especially here in Kuna with so many opportunities to do improvements. **Jace Hellman:** Good evening Commissioners, for the record, Jace Hellman, Planner II, Kuna Planning and Zoning Staff, 751 W 4th St. I do have a few corrections to make on the staff report. I've provided you guys with copies of the staff report as well. For the first part of the staff analysis section, we're receiving options for right-of-way access. I have recently reviewed the supplemental declaration of annexation, which established the CC&Rs for Kelleher. There actually is an ingress/egress deed already in place across Lot 1 Block 1 for the express purpose of ingress/egress to lot 8 block 1, which is listed as a Commercial Lot, of Kelleher Subdivision #2. We made the modification, because we originally required a cross-access with that deed already in place. This would make conditions seven and eight not valid. The second correction was under the staff analysis portion under the same paragraph. This new project will look at getting into the Chapparossa HOA. They want to make sure that the new residents do not have the burden of covering the parking lot buildings for landscaping. Rather, they'll create some sort of agreement that they would pay reasonable assessment fees to the Chapparossa subdivision. We've created a new condition No. 7 that states "Developer, owner, or applicant show a completed agreement for the Chapparossa Subdivision HOA for reasonable fees and assessments to be paid by Kelleher Sub. No. 2 HOA to Chapparossa Ridge Subdivision HOA for maintenance and use of common area and neighborhood park prior to final determination by City Council. Additionally, prior to recordation and City Council's determination the developer/owner/applicant shall submit agreement language to the Kuna City Attorney for review. The third and final correction is within the staff analysis as well. Within the report staff proposed a recommendation for the applicant to provide additional landscape screening buffer along the east side. The applicant has sense provided a new landscape plan to staff, hence the new exhibit. So, unless the Commission would like to see more landscaping, staff has struck this recommendation from the staff report. The Applicant requests approval to redo the subdivision for Lot 8 Block 1 of the Kelleher Subdivision which consists of approximately 1.96 acres through the combination preliminary plat & final plat process into nine lots, consisting of eight multi-family lots and one common lot and have reserved the name Kelleher Subdivision No. 2. Per Kuna City Code 6-2-3-B, a combination preliminary plat and final plat is permitted if the following criteria is met: 1) The proposed subdivision does not exceed ten (10) lots; 2) No new street dedication or street widening is involved; 3) No major special development considerations are involved, such as development in a floodplain, hillside development or the like; and 4) All required information for both preliminary and final plat is complete and in an acceptable form. Staff has determined that this application meets all required criteria. Access to the site is proposed as a 31-foot wide driveway onto Hubbard Road from the site. This access was recommended by ACHD to be approved as a Temporary Full Access with the condition that in the future, the full access may be reduced to a right in/ right out as determined by ACHD and/or the City of Kuna. The applicant has proposed to close the existing ingress/egress on Linder Road. Within the subject site, the applicant has proposed 62 parking spaces and 4 accessible parking spaces for a total of 66 parking spaces or approximately 2 spaces per dwelling unit. Staff finds the proposed parking to be in substantial conformance with Kuna City Code, which requires 1.5 parking spaces per dwelling unit for all multi-family projects. The applicant has proposed all trash enclosures on site to be constructed out of vinyl fencing. Staff has made the applicant aware that it is the preference of the City and J&M Sanitation that all commercial trash enclosures be constructed with CMU brick wall with steel gates on the front of them. The applicant has also received comments from Chad Gordon with J&M Sanitation as well. Staff will require the applicant to construct all trash enclosures on site with CMU brick wall and with steel gates on the front of them. Staff would also recommend the applicant work with J&M Sanitation in order to conform to any other additional requirements. Staff has determined this application complies with the goals and policies for Kuna City, Title 5 and Title 6 of the Kuna City Code; Idaho Code title 67 chapter 65; and the Kuna Comprehensive Plan. Staff would just remind the Commission that this application contains two parts. The Combination Preliminary Plat and Final Plat is seeking your recommendation or approval or denial to City Council, and the Design Review portion of the project is seeking your approval or denial. I will now stand for any questions you may have. **C/Young:** I have comments on access and drivability for their equipment. **Jace Hellman:** During the preapproval, they did have their comments and they didn't see any issues with it. There is a fire truck turning clearance of 20 feet on the inside radius and 48 on the outside.

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Drive isles are minimal at 22 feet. **C/Young:** At this time, we'll open for public testimony at 6:35. First listed to testify in opposition is Tim Domka. **Tim Domka:** I live at 2332 North Corktree Way. Thank you for hearing me today. First, off the original plat that they've described here doesn't look as bad as I thought it was going to. The trash being right next to a residence is kind of an eyesore. I'd like to see it moved at least to the southwest side. If you do approve the preliminary and final plat, I would like to propose an opposition. I do understand the need for less expensive housing in Kuna. There is a desire for lower, but not low income in Kuna. I just don't want this to turn into Meridian or Boise. I've lived in Idaho for almost 30 years and moved to Kuna from Meridian a few years ago. Historically, apartments are not the most desirable thing to have next to a residential. I realize that space is kind of limited out here also. Just down the road is where a lot of the businesses are, and that's where Meridian and Boise have started putting their apartments. There are several massive apartment complexes in Meridian. Meridian Road has one. There's a huge apartment spread on Overland Road as well. There are residential homes southeast of this and directly north of this, and Timbermist to the north is brand new. The homes over there are running \$300,000 to \$400,000. I don't know if any of the Timbermist residents are here, but I know for myself this is the fourth time that I have asked to not have apartments here in Kuna. I will continue to counter and say that I don't want apartments here. I do feel the need for it, I just don't know if I want them right down the street from me. If you drive that road, you'll know that it's already busy. I know that Planning and Zoning for ACHD was thinking about putting a roundabout in there at some point. It is 32 homes that they are putting in 32 acres. It seems like quite a bit, but I just ask that you hear my opposition of "no" to apartments in Kuna. I appreciate your time. **C/Young:** Next, I have listed Kris Wainwright. **Kris Wainwright:** I live at 244 East Whitbeck. Thank you for your time this evening. Currently I am representing 145 members of the neighborhood. We've taken an online poll, and everyone is against this happening. We have some serious concerns, one of them being the trash areas. Winds in that area predominantly come from the west at upwards of 50 miles per hour. We don't want trash in our neighborhood. Some of the storms have brought crazy winds. We have folks that have privacy concerns, because these are two level and they will be above most of the homes in that area. In terms of height, we have people worried that they will look into their backyards and into their homes. This is a major concern for other properties like this both in Meridian and in Boise. Traffic is the other problem. We're just now hearing that there is the possibility of a roundabout, but with the new high school going in. We're looking at 300 to 500 cars coming through that intersection in the morning and then again in the evening. Throwing additional people into that mix, especially with a right-in and right-out, there are going to be people not following that and driving over the curb to get to the neighborhood. Another concern we have is use of the park. We have members of the board that have not told us or have not been informed of what's going to be happening with dues and maintenance. Since we're just finding this out tonight, we would definitely like the board members to be more involved. We already have issues with kids kicking out the panels in the fence up and down Linder. It's caused us maintenance costs. We don't want the park to be abused, because it was just recently put in last year. We will be providing you with a link via email of the 146 people that currently signed the petition as of 5 PM this evening. I can tell you right now, even the board members are against this. We are on the record of saying "no", we oppose this. Thank you. **C/Young:** Next I have listed Terry Williams. **Terry Williams:** I live at 580 Esienna Creek, one mile away from the proposed apartment complex. I'm originally from California, and I've seen plans just like this ruling the Santa-Napa Valley. The area was ruined by apartment complexes like this. The traffic will be horrendous, and the number of parking spaces for the complex does not seem adequate. As said before, this complex will be an eyesore. You've got that kind of a setup crammed into a small area, and also the housing values nearby will drop. That small area cannot support the number of people expected to live there. To me, it seems like a builder is out trying to make a fast buck. We might have to make Linder and Hubbard a four-lane intersection. Who's going to pay for that? There are at least 25 to 30 cars parked on the street that I live on. **C/Young:** Next I have listed Vicki Clark. **Vicki Clark:** I live on 2965 N Linder Road, which is across the street from the site. It's been years since that lot has been vacant. When I think of apartments going in there, it seems to me that it might be traffic visibility obstruction because of its height. I know ACHD is concerned with this area already because of the incoming high school. Will they widen Linder at some point? In the last few months, they've closed Ten Mile. I don't know why there are not flaggers on Ten Mile right now, it is a road that goes to the freeway. Linder is closed, I believe, from

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Amity north. If you were to approve the apartments, the colors seem solid with different trims. The colors do not seem pleasing, so that would be a recommendation. I am in agreement with the gentlemen that have spoken prior to me. This proposed area should really be a Dutch Brothers Coffee or a new park. Thank you for your time. **C/Young:** Next I have listed Adam Llewellyn. **Adam Llewellyn:** 415 E Whitbeck Street. I am very much opposed to this. Originally, when they rezoned this area, I heard this was going to be townhomes or single-level residential. At the time when they drew that all up, it was very reasonable and not as overcrowded. I do agree that there needs to be a little bit of a transition type of environment, and I think a duplex would be a better transition. Most of the time in apartments, I know that I had problem trusting my neighbors. When I finally moved out of apartments and bought a house, I definitely didn't want to live next to apartments. I've looked at apartments in the area, and there are approximately 113 apartments up for rent in Kuna. Having these apartments at a high price will not attract most people in this area. I would relook at that plan and make it look more reasonable. I am opposed to the apartments. **C/Young:** Next I have listed Gene Morrison. **Gene Morrison:** I live on 9565 S Linder Road. My concern is that there are not enough parking spaces in the proposed apartment complex. I'm referring to overflow parking. If you're going to have a three-bedroom apartment, that's more than two cars per family. This needs to be worked out before we allow this to happen. Thank you. **C/Young:** That's all I have listed to testify. Those interested in testifying may sign the sheet now. **Micaele Williams:** I live at 193 E Wythburn Street. I'm in direct line of sight of this property. Before this idea came up, we were having lots of issues with teenagers. The HOA assured us at the time that the park was made for toddlers, but that was not the case. I cannot count on my HOA to much at all. There's still a big gaping hole. There have been kids doing drugs behind my house, and now this will add more problems to our neighborhood. I have mentioned this to my HOA a number of times, but they do not care about it. Why am I paying HOA dues for them to do their job? They are holding soccer practices at Chapparossa Park, so the new complex could cause problems. This is a security risk. I am opposed. **C/Young:** Next I have listed Helene Wolfgram: I live on 1901 W. Hubbard Road. We are directly west of this proposed apartment complex. We had an invitation to meet with the owner of the property before this was ever proposed. The initial proposal was assisted living. Anyway, traffic at this intersection is already congested. People are not going down Hubbard anymore. They're cutting over Columbia, coming up Linder. There are subdivisions between Linder and Ten Mile, and the subdivision on the north side of the high school will have 700 or more houses. If a roundabout is put in, they're going to have to turn right. We've been out there for 25 years. Go watch the traffic on Linder before you approve this. I am opposed. Thank you very much. **C/Young:** Next I have listed Matt Foley. **Matt Foley:** I live on 2877 North Updale Ave. I have the most property up against the development. We have small children, so we are concerned for their safety. They are not putting a fence between our property and the east side of the proposed apartment. I am also concerned that people are going to park in our park. It seems like Craig Barton is trying to churn something out while property values are high. I think something good could go in there, but I am opposed for the apartment complex. Thanks for your time. **Jane Suggs:** I am representing the project, Kelleher No. 2. I think Jace did a good job of going of the staff report, especially the updated things. First, I've been talking to our architect and we think we can move that trash enclosure to the southeast corner. On the western side, those two parking spaces we can move that around. We can move out as far away from the existing homes as we can. We think that would be a good change, so thank you for your suggestion. For fire access, we have looked at that and they can get around the entire project. People were talking about the apartments and how they shouldn't be there. I think they would be appropriate being across the street from the commercial. If you look at your zoning map that was in your staff report, you see that the southwest corner of Linder and Hubbard is zoned C-2 commercial. This is part of that density that would help commercial survive there. I was a little concerned about some of the comments about traffic. It is a busy intersection, but with the access, commercial doesn't really work there. It won't be a drive-way as you jump up. Rather, it will be a radius turn to come in and come out. The way we figure traffic at 38 units, multi-family uses fewer trips per day typically than a single-family home. It's seven trips per day, we're talking about 250 to 270 trips a day. We're talking about maybe 27 cars coming and going during the PM period. I don't think hundreds and hundreds of cars coming in during the evening is accurate. In regards to parking, we do have over the 1.5 parking spaces per required per unit as required by your code. In fact, we are just under 1.9. We have four handicapped spaces. When I talked to my engineer today, he said

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we can actually reduce the number of parking spaces. I'm sorry that the HOA hasn't been responsive. I've been talking to Wendy Chapman, she's with the HOA management company and she's been pretty receptive. She said that if there are problems with the park, we have additional income to pay for some of those things. If there is a fence that belongs to two HOAs, I think that as soon as something happens. I don't expect regular fences to get knocked down on a regular basis. If they do, then we will have a management company for that. Rob, our architect reminded me that these are trash enclosures and the dumpsters have lids on them. Having our own HOA and our own management, we need to make sure that happens. We aren't noticing any wind blowing any trash past a (6') foot fence. I started a few of these issues. I do think it's time to have a really nice fourplex project that people can rent. I expect for it to be a very popular place for people to live. It's very accessible from the freeway, people might come here that work in Kuna or work in Meridian. It's accessible, because it's close to two arterial streets. This is where you want to put your density, it's zoned commercial. We are meeting your city code, zoning code, comprehensive plan, and your subdivision code. I believe apartments are what people are looking for in this area. Do you have any questions? **C/Hennis:** Was this proposal ever brought to the homeowners with the prior knowledge that this area was designated as a future senior living complex? **Jane Suggs:** That's a great question, I was not working on this project at that time. Therefore, I don't know why that was the case when the application was clear that it said fourplex units. It said nine fourplex units. When I talked to the developer that I've been working with, he as really surprised at the assisted living situation too. I do think at some point there was some discussion about townhomes. At the neighborhood HOA meeting we made sure that more people showed up to talk about it. Someone said what about the townhomes, and that was a surprise to me too. I don't know if the previous planner was equating townhomes to fourplexes. To me, a townhome is an attached unit where one actually owns a plot. The townhomes I worked in at Boise were single-family attached, not multi-family. I believe the application is accurate and this is allowable in the C-1 zone. Again, I ask very respectfully to you and to the neighbors for approval. I think this will be a very popular project and a quality project. I ask for a preliminary and final plat approval and design review approval. **C/Damron:** What are the heights of the trees at full length compared to the heights of the balconies? **Jane Suggs:** I don't know, but I will talk to the landscaper to make sure it reaches that 20 to 30 feet in height. You'll see the closest balconies might be in the center of that design. We have lots of trees in that open space right behind that. I appreciate Mr. Foley being here to help, and I believe that is a two-story house. There is a mix of one-story houses and two-story houses adjacent to us. In the design, at one point we wanted to get closer to the intersection and put one of our units up against the fence. After looking at that, we figured that was not a good idea so we decided to move that to the middle of the project. This was in order to make as much space as possible. We can add to the condition that those trees reach a 30-foot height. We know how important it is to have good landscaping when you have some density. Thank you for your time. **C/Young:** I will close the public testimony at 7:17. **C/Hennis:** I am concerned with how congested things will get. I prefer the idea of senior living. Jace Hellman: Just a little note that it is a full access until it becomes a roundabout, and it will probably be closed. **C/Hennis:** Even if you look at it that way, it's going to back everything up in the afternoon. **C/Young:** A concern I have is a non-executed agreement with the HOA. If they end up separating, then they lose access to the park. **C/Hennis:** This could be a problem, especially if they are having problems with the homeowners being responsive. **C/Young:** I have a question for the applicant. Do you have a feel for how close you are to getting a formalized agreement with the HOA? **Jane Suggs:** Only the attorney for Kelleher has proposed to create that agreement. We don't want to enter into any kind of agreement until we know that we have a project. We'll have a draft of this executed. **C/Young:** I guess my question is more about something that's been written. **Jane Suggs:** We've only had conversations with the Wendy from the management company, but she has to talk to her board about it. That's important for the board to see that. This is an opportunity for additional revenue for the HOA so it can be negotiated about what kind of lot split that will be. Also, more eyeballs on the park is a safer park. We will have a draft of it before we go to city council. **C/Damron:** This is an HOA company managing the subdivision rather than the people living in it, correct? I'm talking to the management company, but I haven't been invited to speak to the board. I'm sorry to say I haven't done that, but I'm talking to the people that handle that kind of negotiation to get that agreement. **Jace Hellman:** The new Condition No. 7 will cover having an agreement recorded and reviewed by the city attorney prior to making it to the

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city council. **C/Young:** We would be recommending to council, but if something changed between the two parties, the preliminary and final plats could change. I wouldn't be comfortable then recommending this to council. **C/Hennis:** It doesn't seem like the management company is going to do much of anything, so I have a concern as to whether that can be addressed and analyzed. **C/Damron:** I'd like to have the agreement in place before they look at it. **Jace Hellman:** There is also an option if that's your desire to table until then.

Commissioner Hennis motions to table Case No. 18-01-CPF and 18-12-DR until the Planning and Zoning Commission Meeting on July 10, 2018; Commissioner Damron Seconds, all aye and motion carried 2-0.

- b. **18-01-PUD (Planned Unit Development Modify)** – Timbermist PUD Modification; On behalf of Toll ID I, LLC, the applicant Becky McKay with Engineering Solutions, LLC, requests approval for PUD Modification, in order to measure street side yard setbacks from public Rights-of-Way, rather than from edge of sidewalk as required in KCC 5-3-3(9). This affects four (4) lots total in the Timbermist Subdivision; Lots 5 & 11, Block 9 in Sub No. 2, and Lot 23, Blk 10 & Lot 16, Blk 9 in Sub No. 3. The site is near the northeast corner (NEC) of Hubbard and Linder Roads, Kuna, Idaho, within Section 14, Township 2 North, Range 1 West; APN No's: R8461160290, R846116230, R8461170020 and R8461170360.

Becky McKay: Thank you Commission. I am representing Engineering Solutions, 1029 North Rosario Street in Meridian. This Timbermist project was initially approved in 2007 as a preliminary plat. It was never constructed, though. My client, Thomas Coleman, purchased the property back in 2014. I redesigned the project, and we eliminated 26 of the lots in the project. Therefore, we did lower the density and added a significant amount of open space. We added a pool facility, playground equipment, a public gazebo, and pathways. We're trying to make it a really upscale neighborhood for the City of Kuna. We have corner lots, that is what is before you this evening. We have a PUD modification, and their plans typically take up a 45 by 60 pad in order to fit on a lot. Somehow in the design phase at my company, these corner lots got a little bit smaller due to storm drain requirements from Ada County Highway District. Nobody caught that we busted that 45 by 60 envelope that Coleman homes likes. I met with your staff and talked to them in length about what my options were and how we could fix the problem. Coleman Homes could have sold these lots off to another builder who built a smaller home. They didn't want to do that, because they wanted the quality of the homes maintained. In this particular subdivision. One of the things that caused these problems is that we proposed detached sidewalks. We have the curb, then we have an eight-foot landscape buffer with trees. Your code states that the measurement is usually from the property line. If the public sidewalk is placed along private property, like a public easement, then the private property side of the sidewalk shall serve as the setback line. This is for establishing the setback for the side yard. This evening, we're asking you to allow us to measure these lots from the right-of-way line rather than the street-side setback. That basically puts the homes at approximately 9.5 feet back of the walk. The staff and the neighbors initially had concerns with how the house will look and where the fence will be located on each individual lot. When I showed the packet to the neighbors living on the adjacent lots, they were fine with that. They would rather have a Coleman home of comparable size to their homes on these lots than a skinny two-story house. Everyone left the neighborhood meeting very satisfied and supportive. What we ask before you is a modification to PUD for these four lots to measure the street setbacks from the right-of-way line of the back walk. All of the other setbacks are identical. Therefore, we'll have 20-foot setbacks from the front of the house to the garage, five-foot side yard setbacks and fifteen-foot rear setbacks. We're only talking about the street side. I will answer any questions. **Troy Behunin:** Good evening Commissioners, for the record Troy Behunin, Planner III, Kuna Planning and Zoning Department. I think that Becky McKay did an excellent job of filling you all in on what the request is for. Staff is supportive of this request for this PUD modification of the Timbermist subdivision. We have met multiple times on how best to address this. We've also consulted with the City Attorney and the Planning and Zoning Director. This is actually the best way to handle this. The overall difference is really only going to be felt by those in the street. They are the "affected" neighbor, because it's just the street side setback that they're requesting. In fact, most of the impact to the street side yard setback is very minimal. I think

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the widest point is actually two-and-a-half to three feet, maybe a little bit more. Realistically, this will be unnoticeable to most people. With that I will stand for any questions you might have. C/Young: I will open the public testimony at 7:37. Nobody signed up, so I will close the public testimony at 7:37.

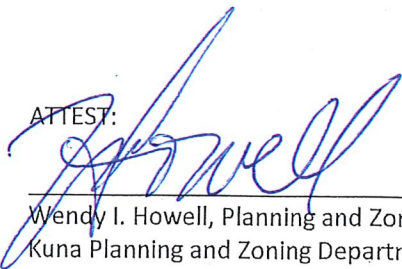
Commissioner Hennis motions to recommend approval of Case No. 18-01-PUD with the conditions as outlined in the staff report; Commissioner Damron Seconds, all aye and motion carried 2-0.

3. COMMISSION REPORTS

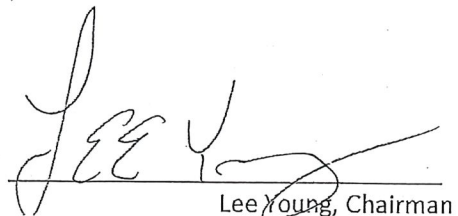
4. ADJOURNMENT

Commissioner Hennis motions to adjourn; Commissioner Damron Seconds, all aye and motion carried 2-0.

ATTEST:



Wendy I. Howell, Planning and Zoning Director
Kuna Planning and Zoning Department



Lee Young, Chairman
Kuna Planning and Zoning Commission